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Order Filed on March 31, 2022 by Clerk U.S. Bankruptcy Court District of New Jersey

## UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

In re:

Elsworth A. Ungemah, Mary Ann E. Ungemah, aka Mary Ann E. Johnson aka Mary Ann E. Caldeira Chapter 13

Case No. 18-12714-MBK

Hearing Date: March 23, 2022 at 9:00 a.m.

Judge: Michael B. Kaplan

Debtors.

## CONSENT ORDER RESOLVING SECURED CREDITOR'S CERTIFICATION OF DEFAULT AND PROVIDING FOR CURE OF POST-PETITION ARREARS

The relief set forth on the following pages, number two (2) through three (3) is hereby

**ORDERED** 

**DATED: March 31, 2022** 

Honorable Michael B. Kaplan United States Bankruptcy Judge Page 2

Debtors:

Elsworth A. Ungemah

Case No.:

18-12714-MBK

Caption of Order:

CONSENT ORDER RESOLVING SECURED CREDITOR'S

CERTIFICATION OF DEFAULT AND PROVIDING FOR

**CURE OF POST-PETITION ARREARS** 

THIS MATTER having been opened to the Court upon the Certification of Default filed by U.S. Bank National Association, as Trustee for Banc of America Funding 2008-FT1 Trust, Mortgage Pass-Through Certificates, Series 2008-FT1 as serviced by Nationstar Mortgage LLC d/b/a Mr. Cooper ("Movant"), and Elsworth A. Ungemah and Mary Ann E. Unemah (collectively the "Debtors") having filed an opposition thereto, with respect to Movant's lien on the property known as 8 Laurelhurst Drive, Brick, New Jersey 08724 (the "Property"), and the Court noting the consent of the parties to the form, substance, and entry of the within Order, and for good cause shown ORDERED that:

## **ORDERED AS FOLLOWS:**

- 1. Debtors are delinquent two (2) post-petition payments due February 1, 2022 through March 1, 2022, each in the amount of \$854.52, less suspense of \$71.21, for a total delinquency of \$1,637.83
- 2. Debtors shall file a Modified Chapter 13 Plan within fourteen (14) days of entry of this Order to include delinquency in the amount of \$1,637.83. This amount shall be scheduled by the Chapter 13 Trustee as a supplemental secured claim.
- 3. Movant may file a supplemental claim for the amounts advanced.
- 4. Debtors shall resume post-petition payments to be paid timely and in full with the April 1, 2022 payment.
- 5. If Debtors should default and fail to amend the plan or make future post-petition payments to Movant that come due during the pendency of this case for thirty (30) days from the due date, Movant's counsel may submit a certification of default and the Court may enter an Order vacating the automatic stay permitting Movant to proceed with its action against the Property.

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Debtors:

Elsworth A. Ungemah

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CERTIFICATION OF DEFAULT AND PROVIDING FOR

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6. Debtor shall pay attorney fees for the motion for relief in the amount of \$200.00 to be paid as an administrative claim through the plan.

7. Upon dismissal, discharge chapter conversion, or relief from stay, the foregoing terms and conditions shall cease to be binding payments will be due pursuant to the terms of the original loan agreement and Movant may proceed to enforce its remedies under applicable non-bankruptcy law against the Real Property and/or against the Debtors.

Consent to Form and Entry

McCalla Raymer Leibert Pierce, LLC

Attorney for the Secured Creditor

By:

Phillip Raymond

Date: 3.22.2022

Lee M. Perlman

Attorney for the Debtors

By: /s/ Lee M. Perlman

Lee Martin Perlman

Date: March 17, 2022